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Attorney for Defendant Allstate

UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON  
PORTLAND DIVISION

HIEN NGUYEN,

Plaintiff,

vs.

ALLSTATE FIRE AND CASUALTY  
INSURANCE COMPANY, an Illinois  
Company,

Defendant.

No.

**ALLSTATE'S NOTICE OF REMOVAL  
PURSUANT TO 28 U.S.C. §§1441 AND  
1446**

TO: Clerk of the United States District Court, District of Oregon, Portland Division

AND TO: Robert Le, Plaintiff's counsel

**NOTICE OF REMOVAL**

Pursuant to 28 U.S.C. §§1441 and 1446, Defendant, Allstate Fire and Casualty Insurance Company (Allstate), removes this action from Multnomah County Circuit Court to this Court. For the purposes of this Notice, Allstate states as follows:

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## **I. STATE COURT ACTION**

1. On or about April 9, 2011, Plaintiff Hien Nguyen (Plaintiff) filed an action against Allstate in Multnomah County Circuit Court, which was assigned case number 1304-05038. Plaintiff's action arises out of a motor vehicle accident, which occurred on or about August 2, 2012. A copy of the Summons is attached as Exhibit A. A copy of the Complaint is attached as Exhibit B.

## **II. THE PROCEDURAL REQUIREMENTS FOR THIS NOTICE ARE SATISFIED.**

### **A. This Notice is Timely.**

2. Allstate received service of the Complaint on April 9, 2013. This Notice, filed on May 7, 2013, is timely pursuant to 28 U.S.C. §1446(b). 28 U.S.C. §1446(b); *see also Murphy Bros., Inc. v. Michetti Pipe Stringing, Inc.*, 526 U.S. 344, 354 (1999).

### **B. Allstate has Attached Copies of the State Court Proceeding.**

3. Pursuant to 28 U.S.C. §1446, the undersigned counsel has attached to this Notice Exhibits A through D, and verifies that these Exhibits are true and correct copies of the complete proceedings in Multnomah County Circuit Court Case No. 1304-05038:

- A. Summons;
- B. Complaint;
- C. Insurance Commissioner's Certificate of Service;
- D. Notice of Removal.

4. Pursuant to 28 U.S.C. §1446(d), Allstate has filed a notice of this removal with the Clerk of the Multnomah County Circuit Court, and provided a copy to the Plaintiff.

5. Allstate has made no previous application for removal.

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**III. THIS COURT HAS SUBJECT MATTER JURISDICTION PURSUANT TO 28 U.S.C. §§1332 AND 1441.**

**A. Complete Diversity Exists.**

6. Plaintiff resides in Oregon. For diversity purposes, Plaintiff is an Oregon citizen.

7. Allstate is a foreign insurer incorporated in Illinois. Allstate is licensed to conduct insurance business in Oregon. For diversity purposes, Allstate is an Illinois citizen.

8. Complete diversity exists among the parties.

**B. The Amount in Controversy Exceeds \$75,000.00.**

9. In the Complaint, Plaintiff alleges that he has suffered economic damages in the amount of \$125,426.52. Plaintiff also seeks his attorney fees.

10. On information and belief, Plaintiff seeks an amount in excess of \$75,000.00. The jurisdictional minimum may be satisfied by claims for breach of contract and attorney fees. *See Bell v. Preferred Life Assurance Society*, 320 U.S. 238 (U.S. 1943); *Kroske v. U.S. Bank Corp.*, 432 F.3d 976, 980 (9th Cir. 2005); *Gibson v. Chrysler Corp.*, 261 F.3d 927, 949 (9th Cir. 2001); *Galt v. Scandinavia*, 142 F.3d 1150, 1155-56 (9th Cir. 1998). Plaintiff's Complaint indicates that he intends to pursue damages, including attorney fees and costs, in excess of \$75,000.00.

Based on the above, this Court should assume jurisdiction over this action as if the Plaintiff had originally filed this action in this Court.

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DATED this 7th day of May, 2013.

COLE | WATHEN | LEID | HALL, P.C.

/s/Ryan J. Hall

Ryan J. Hall, OSB #030549

Attorney for Allstate

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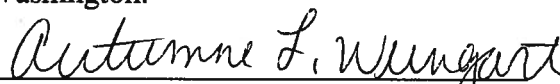
### CERTIFICATE OF SERVICE

The undersigned certifies under the penalty of perjury under the laws of the State of Oregon that on this date I caused to be served in the manner noted below a true and correct copy of the foregoing on the party mentioned below:

Robert Le  
800 SE 181<sup>st</sup> Avenue  
Portland, OR 97233

☒ ECF      ☐ Legal Messenger      ☐ First Class Mail      ☒ E-Mail

Dated this 7th day of May, 2013, at Seattle, Washington.

  
Autumne L. Weingart, Legal Assistant